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12 Governor of State of California; DAVID MAXWELL-
13 JOLLY, Director of Department of Health Care
14 Services of the State of California; BILL LOCKYER,
15 Treasurer of State of California*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE GRAY PANTHERS OF SAN FRANCISCO, a nonprofit corporation; MARK BECKWITH; CALIFORNIA FOUNDATION FOR INDEPENDENT LIVING CENTERS, INC., a nonprofit corporation; INDEPENDENT LIVING CENTER OF SOUTHERN CALIFORNIA, INC., a nonprofit corporation; LIFELONG MEDICAL CARE, a nonprofit corporation; and MARGARET DOWLING,

Plaintiffs,

V.

ARNOLD SCHWARZENEGGER,
Governor of State of California; KIM
BELSHE, Secretary of Health and Human
Services Agency of the State of California;
DAVID MAXWELL-JOLLY, Director of
Department of Health Care Services of the
State of California; JOHN CHIANG,
Controller of State of California; BILL
LOCKYER, Treasurer of State of
California; and MICHAEL E. GENEST,
Director of Finance of the State of
California.

Defendants.

C 09-02307-PJH

**STIPULATION AND ORDER
DISMISSING LAWSUIT WITH
PREJUDICE**

Date: N/A
Time: N/A
Judge The Honorable Phyllis J.
Hamilton
Trial Date N/A
Action Filed: May 26, 2009

The parties, through their counsel, hereby stipulate and agree as follows:

1. The parties enter into this stipulation to finally resolve this matter while preserving any rights plaintiffs may have to appeal.

2. On September 1, 2009, this Court entered an order granting the motion of defendant David Maxwell-Jolly, Director, California Department of Health Care Services (DHCS), to dismiss the first and second causes of action for failure to state a cause of action upon which relief may be granted, and providing plaintiffs with leave to amend the second cause of action by October 1, 2009. Plaintiffs have declined to amend the second cause of action.

3. Also on September 1, 2009, this Court entered an order granting the motion of defendant Governor Arnold Schwarzenegger and Treasurer Bill Lockyer to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1).

4. The third cause of action previously has been dismissed in its entirety by (1) stipulation as to Controller Chiang, and (2) a voluntary dismissal as to all other defendants.

5. The fourth cause of action for declaratory relief is entirely derivative of the first and second causes of action dismissed by the Court in its order on September 1, 2009 granting DHCS's motion to dismiss.

6. The parties request that, based on its prior rulings, the Court enter an order dismissing the complaint with prejudice, each party to bear its own costs and attorneys fees.

So stipulated.

Dated: October 27, 2009

EDMUND G. BROWN JR.
Attorney General of California

/s/ *Karin S. Schwartz*
KARIN S. SCHWARTZ
Supervising Deputy Attorney General
Attorneys for ARNOLD
SCHWARZENEGGER, Governor of State of
California; DAVID MAXWELL-JOLLY,
Director of Department of Health Care
Services of the State of California; BILL
LOCKYER, Treasurer of State of California

1 Dated: October 27, 2009

EDMUND G. BROWN JR.
Attorney General of California

6 Dated: October 27, 2009

3
4 /s/ *Daniel Powell*
5 DANIEL POWELL
6 Deputy Attorney General
7 Attorneys for JOHN CHIANG, Controller of
8 State of California

LYNN S. CARMAN
STANLEY L. FRIEDMAN
JESSIE M. SANDOVAL

9
10 /s/ *Stanley L. Friedman*
11 Attorneys for Plaintiffs

12 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
13 “conformed” signature (/s/) within this efiled document.

14 Dated: October 27, 2009

15
16 /s/ *Karin S. Schwartz*
17 KARIN S. SCHWARTZ
18 Supervising Deputy Attorney General
19 Attorneys for ARNOLD
20 SCHWARZENEGGER, Governor of State of
21 California; DAVID MAXWELL-JOLLY,
22 Director of Department of Health Care
23 Services of the State of California; BILL
24 LOCKYER, Treasurer of State of California

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ORDER

Pursuant to the stipulation of the parties, and consistent with the court's prior orders in the case, the Court hereby dismisses the complaint with prejudice.

IT IS SO ORDERED

Dated: October 29, 2009

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